



# ***CONDITIONAL USE PERMIT***

## ***An applicant's guide to the process***

*This guide is intended to provide information on the City of Del Mar's process for review of a Conditional Use Permit application. Please contact the Planning Department to obtain any additional information, including a copy of the City's Conditional Use Permit Ordinance (DMMC Chapter 30.74).*

### **PURPOSE**

Each zoning district within the City allows or permits specific uses within that zone. Zoning districts also list various *conditional uses*, which are permitted subject to receipt of a Conditional Use Permit (CUP). The CUP process provides the City sufficient flexibility to determine whether a specific land use with its unique characteristics will be compatible with its environs, the Community (General) Plan, and with the zoning on adjacent properties. In reviewing a CUP application, staff and the Planning Commission will evaluate the project, including the building placement and size, traffic generation, noise, compatibility of the use with adjoining properties and other related development impacts. Conditions are imposed as necessary to insure the project's compatibility with surrounding neighborhoods and the Del Mar Community (General) Plan.

### **PROCESS**

#### **Step 1 – Pre-Application Conference**

In order to process your application most effectively, a pre-application conference with a member of the Planning staff is highly recommended. The applicant and/or applicant's representative should bring in any information available on the site/structure in question, including but not limited to, plans or sketches.

#### **Step 2 – Filing of Application**

**Applications must be submitted via email to [planning@delmar.ca.us](mailto:planning@delmar.ca.us).** A Planner will review each application for completeness at the counter. Accepted applications must contain all information listed below. Incomplete submittals will not be accepted. The following items must be submitted at this time:

- 1. Completed and signed application form (applications must be typed).**
- 2. Current preliminary title report and grant deed.**
- 3. Application fee (see fee schedule).**
- 4. Nine (9) sets of the following plans to be submitted. All plans to be collated and folded to 8 ½" x 11". No additional pages will be accepted.**
  - a. Site plan (24" x 36" folded to 8 ½" x 11") drawn accurately and to scale, containing the following information:
    - § scale and north arrow pointing to top of page
    - § name and address of applicant, engineer and/or architect, etc.
    - § date
    - § all easements

- § dimensioned to all distances between buildings and/or structures
  - § height of all major points of buildings (i.e. ridge lines)
  - § location and height of story poles (required for projects located in the Open Space Overlay Zone)
  - § building setbacks (front, rear, and sides)
  - § location, height, and materials of walls and fences
  - § location of free-standing signs
  - § existing curbs, gutters, sidewalks and existing paving widths within 100 feet on adjacent and across the street properties
  - § typical street section
  - § nearest cross streets on both sides with plus or minus distances from subject site
  - § location of all buildings adjacent to subject properties
  - § a vicinity map showing major cross streets
  - § a summary table indicating the following information:
    - site acreage
    - proposed land use
    - building square footage
    - percent landscaping
    - number and size of parking spaces
    - lot coverage
    - floor area ratio
    - assessors parcel number
    - labeling of existing structures to be removed or remain
    - cross hatching or some other form delineation which clearly shows the area of additions versus existing structures
- b. Preliminary landscape and irrigation plan (24" x 36" folded to 8 ½" x 11") containing the following information (not required for existing structures):
- § scale and north arrow pointing
  - § plants called out by botanical names and common names
  - § an estimate of the yearly amount of irrigation (supplemental) water (in gallons) required to maintain each zone
  - § landscape maintenance responsibility (private or common) for all areas
  - § percent of site used for landscaping
  - § mature heights of all species called out
  - § number of plants called out
- c. Building elevations (24" x 36" folded to 8 ½" x 11") containing the following information:
- § scale and north arrow pointing to top of page
  - § the appearance of the project from all adjacent properties
  - § proposed and existing grades, floor elevations and building height
  - § label elevations north, south, east and west (not front, rear, etc.)
- d. Building sections (24" x 36" folded to 8 ½" x 11") containing the following:

- § scale and north arrow pointing to top of page
- § drawing through structure and the site at critical points in at least two directions from property line 25' past
- § if basement is proposed, show section which clearly depicts basement, and show calculations used to arrive at basement area

e. Floor plan (24" x 36" folded to 8 ½" x 11") containing the following information:

- § scale and north arrow pointing to top of page
- § square footage of each room and each level noted
- § floor area and floor area ratio
- § parking ratio

**5. One set of plans reduced to 11" x 17".**

**6. Public Noticing Package:**

For a fee, City staff will prepare the Notice Map, Notice List and will supply the required envelopes.

**Noticing Map** - \*A 300' radius map drawn on assessor's parcel maps and spliced together (when necessary) showing the 300' radius measured from the exterior boundaries of the property of the subject property.

**Noticing List** - \*A typewritten list of property owners that corresponds to the radius map required above. The list shall contain the names, addresses, and assessor's parcel number for all parcels within the radius area (including the applicant and/or owner). For a fee, the City can provide this list for you.

**Noticing Envelopes**- \*Stamped business size envelopes with typed address labels for all parties listed on the property owner's list required above. The envelopes must also include a City of Del Mar return address.

**Affidavit** - Certification that the Public Notice Mailing List is accurate and up to date.

### **Step 3 – Environmental Review**

After the application is submitted to the Planning Department, the site plans will be sent to the appropriate City Departments and public agencies involved in the project, for their review and comment. After the completion of an Environmental Initial Study, an environmental determination will be made on the project. If no significant environmental impacts are anticipated, a Negative Declaration will be prepared. If it is determined that the project will have a significant environmental impact, and EIR will be prepared (at the applicant's expense) and circulated for public review and comment.

### **Step 4 – Planning Commission Hearing**

The Planning Commission will hold a public hearing on the item, generally at one of its scheduled monthly meetings. The applicant or his agent should obtain a copy of the staff report from the Planning

Department prior to the hearing date. The applicant or his agent must attend the hearing to ensure action by the Commission. The Planning Commission will approve the CUP as submitted, approve with conditions, or deny the application.

### **Step 5 -Appeal Period**

The decision of the Planning Commission is final unless a written appeal is filed with the City Clerk, accompanied with a processing fee, within ten (10) working days from the date of notice of the action taken on the application. An approved permit shall not be valid until proper noticing and the 10-day appeal period has expired. The appeal is then forwarded to the City Council, which determines at the *Initial Consideration* whether to reject the appeal, thereby upholding the Planning Commission's decision, or to set the matter for a subsequent date for a new (*de novo*) public hearing review. If a *de novo* public hearing is set by the City Council, an additional fee will be required.

### **Step 6 - Permit Expiration**

An approved Conditional Use Permit will become null and void if not exercised and "vested" within the time specified in the permit. The specifications for implementing a substantial amount of work to vest a permit are identified in the Municipal Code.